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In re Application of
Fikstad et al.
Application No. 09/871,318
Filed: May 31, 2001
Attorney Docket No. WP 2001.00

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.183 in the alternative a petition under 37 CFR 1.137 b, filed June 17, 2003, to revive the above-identified application. The petition under 37 CFR 1.183 is more appropriately treated as a petition under 37 CFR 1.181 because petitioner is essentially requesting to have the abandonment withdrawn.

The petition to withdraw the holding of abandonment is **Granted**.

The petition to revive under 37 CFR 1.137(b) is **Dismissed as Moot**.

This above-identified application became abandoned for failure to file a reply within the meaning of 37 CFR §1.113 to the final Office Action of November 5, 2002. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 6, 2003. A Notice of Abandonment was mailed on May 28, 2003.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner asserts that the Final Office Action mailed on November 5, 2002 was never received because it was mailed to the former correspondence address of record. A review of the record indicates a document titled Prosecution By Assignee and Power of Attorney under 37 CFR 3.71 was received on October 5, 2001. The document which revoked previous powers granted and changed the correspondence address of record was not entered. As such the final Office Action was mailed to the incorrect address.

In view of the evidence, the Notice of Abandonment is hereby **WITHDRAWN**. A petition fee has not been charged.

The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

As per petitioner's request the Notice of Appeal fee of \$320.00 has been charged to deposit account 50-2518.

A copy of the final office action is provided for petitioner's convenience.

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries should be directed to the undersigned at (703) 306-0251.

A handwritten signature in cursive script, reading "Charlema R. Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions